

Barret VanHorn,
2238 N Missouri
Springfield, MO 65803

Plaintiff,

VS.

Genpact Services LLC,
10 E. 40th St., 10th Fl.
New York, NY 10016

Defendant.

Case No.
Division No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Barret VanHorn (Plaintiff), by his attorneys, Krohn & Moss, Ltd., alleges the following against the Genpact Services LLC (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
5. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

VERIFIED COMPLAINT

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PARTIES

6. Plaintiff is a natural person residing in Springfield, Greene County, Missouri.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a limited liability company located in New York.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
12. Defendant placed collection calls from 513-878-4961.
13. Defendant would place up to four (4) calls to Plaintiff before noon.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress and/or abuse Plaintiff.
 - b. Defendant violated §1692d(5) of the FDCPA because Defendant caused the phone to ring repeatedly and continuously with the intent to annoy, abuse and/or harass Plaintiff.

WHEREFORE, Plaintiff, Barret VanHorn, respectfully requests judgment be entered against Defendant, Genpact Services LLC, for the following:

15. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
16. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Actual damages,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Patrick Cuezze
Patrick Cuezze
Attorney for Plaintiff
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Barret VanHorn, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSOURI)

Plaintiff, BARRET VANHORN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BARRET VANHORN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12/14/2009
Date


BARRET VANHORN

VERIFIED COMPLAINT

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